

That the *ViViBx vitamins D and A tablets* would be efficacious to nourish the bones, nerves, and internal membranes, and would be adequate and effective for the treatment of arthritis, rheumatism, swollen joints, and muscular atrophy;

That the *ViViBx whole natural B complex tablets* would be efficacious in the treatment of diabetic conditions, simple anemia, bad breath, dental caries, glossitis, acne, and other minor skin afflictions;

That the *ViViBx vitamin E concentrate capsules* would be efficacious to protect the body's vitamin A reserves, and to prevent fatty livers; that it would be efficacious in the treatment and prevention of muscular ailments, and diseases of the human heart; that it would protect the body's vitamins, hormones, and fats, and would nourish the muscles, including those of the heart; that it would prevent loss of, or serious damage to, the membranes of the sex organs; that it would be efficacious to prevent gastric ulcers; that it would ease rheumatic pain; that it would be helpful during the menopause; that it would be efficacious to prevent abortion and would be of value in pregnancies; that it would be efficacious in the prevention and treatment of hot flashes; and that it would be of value in the formation and preservation of tooth enamel;

That the *ViViBx Super capsules* would be efficacious to prevent food rancidity in the body and to build body resistance against colds, fatigue, nervousness, irritability, and tooth decay;

That the *ViViBx high potency vitamin C tablets* would be efficacious in the treatment and prevention of gingivitis, dental caries, pyorrhea, gum infections, anorexia, anemia, undernutrition, and infections; that it would be efficacious to combat common colds; and that it would be efficacious to counteract body poisons and nutritional oral and tooth deficiencies.

DISPOSITION: June 29, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$1,000, plus costs, against the defendants jointly.

3195. Misbranding of Vita-Pep tablets. U. S. v. 41 Boxes. * * *. (F. D. C. No. 29341. Sample No. 72745-K.)

LABEL FILED: May 26, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 16, 1949, from Baltimore, Md.

PRODUCT: *Vita-Pep tablets*. 41 boxes, each containing 50 tablets, at Columbus, Ohio, in possession of the May Drug Co., together with a placard relating to the product headed "Restore Youth and Vitality."

RESULTS OF INVESTIGATION: The May Drug Co. received the product in bottles of 5,000 tablets each, but none of the tablets remained on hand in the original containers, all having been repackaged into boxes labeled as described below. Also in possession of the consignee at its store was a placard displayed in the window, together with dummy boxes used in packaging the tablets. The placard read, in part: "Restore Youth and Vitality."

Analyses showed that the article contained alkaloids of nux vomica in very small amounts, together with zinc phosphide and unidentified organic matter.

LABEL, IN PART: (Boxes) "Vita-Pep Tablets For Better Health Life Begins At Forty Vita-Pep is the perfect tonic for persons approaching middle age. Restores energy and will help you to enjoy life. Distributed by May Laboratories Columbus, Ohio."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and on the accompanying placard were false and misleading.

The statements represented and suggested that the article would restore youth and vitality, correct loss of appetite, nervousness, and weak glands, and improve health; that it was a perfect tonic for persons approaching middle age; and that it would restore energy and help one to enjoy life. The article was not capable of fulfilling the promises of benefit stated and implied.

Further misbranding, Section 502 (e) (2), the label of the article failed to bear the name of each active ingredient since its label failed to bear the name of any active ingredient.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: June 23, 1950. Default decree of destruction.

3196. Misbranding of homeopathic mineral tablets. U. S. v. 33 Boxes, etc.
(F. D. C. No. 29068. Sample Nos. 70071-K to 70082-K, incl.)

LABEL FILED: April 26, 1950, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about March 21, 1950, by Luyties Pharmacal Co., from St. Louis, Mo.

PRODUCT: 33 boxes of *calcareae fluor.* (*calcium flouride*) tablets, 15 boxes of *calcareae phos.* (*calcium phosphate*) tablets, 24 boxes of *calcareae sulph.* (*calcium sulfate*) tablets, 31 boxes of *ferrum phos.* (*iron phosphate*) tablets, 35 boxes of *kali mur.* (*potassium chloride*) tablets, 33 boxes of *kali phos.* (*potassium phosphate*) tablets, 12 boxes of *kali sulph.* (*potassium sulfate*) tablets, 18 boxes of *magnesiae phos.* (*magnesium phosphate*) tablets, 47 boxes of *natrum mur.* (*sodium chloride*) tablets, 22 boxes of *natrum phos.* (*sodium phosphate*) tablets, 11 boxes of *natrum sulph.* (*sodium sulfate*) tablets, and 36 boxes of *silicea* (*silicic acid*) tablets, and 274, more or less, books entitled "Universal Mineral Food Co. Text Book," at Oklahoma City, Okla.

RESULTS OF INVESTIGATION: Investigation disclosed that these drugs had been shipped in bulk from the Luyties Pharmacal Co. and were repackaged by the consignee in retail boxes which had been supplied to the consignee by the Luyties Pharmacal Co. The books in possession of the consignee consisted of 138 pages and had been prepared by the consignee, the Universal Mineral Food Co., Inc., from copy prepared by an officer of that corporation.

Analyses indicated that the tablets possessed the compositions stated upon their respective labels.

LABEL, IN PART: (Box) "Tablets * * * Containing Homeopathic Calcareae Fluor. 6x (Calcium Fluoride) [or "Calcareae Phos. 3x (Calcium Phosphate)," "Calcareae Sulph. 3x (Calcium Sulphate)," "Ferrum Phos. 3x (Iron Phosphate)," "Kali Mur. 3x (Potassium Chloride)," "Kali Phos. 3x (Potassium Phosphate)," "Kali Sulph. 3x (Potassium Sulphate)," "Magnesia Phos. 3x (Magnesium Phosphate)," "Natrum Mur. 6x (Sodium Chloride-Salt)," "Natrum Phos. 3x (Sodium Phosphate)," "Natrum Sulph. 3x (Sodium Sulphate)," and "Silicea 6x (Silicic Acid)"]]."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the box labels of the articles and in the accompanying book were false and misleading since the articles were not adequate and effective treatments for the conditions represented and suggested by such statements. The statements represented and suggested that the tablets were adequate and effective treatments for the following conditions: (*calcareae fluor.*) varicose veins, itching or bleeding hemorrhoids, asthma, appendicitis, constipation, curvature of the